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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,795	11/13/2001	Don Hideyasu Matsubayashi	36.P271	6116
5514	7590	12/21/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WU, QING YUAN	
			ART UNIT	PAPER NUMBER
			2126	
DATE MAILED: 12/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/986,795

Applicant(s)

MATSUBAYASHI ET AL.

Examiner

Qing-Yuan Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/25/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/01, 10/24/02, 9/23/03, 9/26/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-60 are pending in the application.

Claim Objections

2. Claim 46 is objected to because of the following informalities: The numbering of claim limitations should be (a), **(b)**, (c), (d), and (e). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 13-14, 16, 18-22, 28-29, 31, 33-37, 43-44, 46, 48-52, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (hereafter Theimer) (U.S. patent 5,611,050), in view of Bennett (U.S. PG Pub US20020007422A1).

5. As to claim 1, Theimer teaches the invention substantially as claimed including a method for a user to remotely obtain exclusive control of a device over a network, the method comprising the steps of:

remotely establishing communication with the device over the network [col. 4, lines 40-43];

requesting to obtain remote exclusive control of the device's capabilities [col. 26, lines 27-33, 44-50; 500, Fig. 18];

determining whether the device is available for the user to obtain remote exclusive control of the device's capabilities [col. 26, lines 50-51; 502, Fig. 18] ;

in a case where the determining step determines that the device is available for the user to obtain remote exclusive control of the device's capabilities, providing the user remote exclusive control of the device's capabilities [col. 26, lines 57-65; 506, 508, 510, Fig. 18].

6. Theimer does not specifically teach adding the user to a reservation queue of users requesting exclusive control of the device's capabilities when device is not available for the user to obtain remote exclusive control of the device's capabilities. However, Theimer disclosed denying request when device is not available for the user to obtain remote exclusive control of the device's capabilities [col. 26, lines 51-53; 504, Fig. 18], and is well known in the art to queue requests when a service provider (i.e. processor, server, device, etc) is busy. In addition, Bennett teaches queuing and retrieving access request in a wait queue based on priorities [Bennett, pg. 9, paragraph 92, lines 9-10; paragraph 96, lines 3-7].

7. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined Bennett's request queuing method to Theimer's method of requesting exclusive control because by queuing requests rather than simply denying access when a resource is busy reduces network traffics (i.e. denied request causing client to make additional request attempts) and produce a more efficient method of managing requests.

8. As to claim 3, this claim is rejected for the same reason as claim 1 above.

9. As to claim 4, Theimer as modified teaches the invention substantially as claimed including in a case where the determining step determines that the device is under exclusive control of another user, further comprising determining whether the user requesting remote exclusive control of the device has a higher priority than the other user and, if the requesting user does have a higher priority than the other user, temporarily yielding exclusive control of the device to the requesting user, thereby providing the requesting user with remote exclusive control of the device [Bennett, pg. 9, paragraph 92, lines 1-8; paragraph 97, lines 4-6].

10. As to claim 5, Theimer as modified teaches the invention substantially as claimed including wherein the determining step comprises determining whether the user is authorized to obtain remote exclusive control of the device [col. 27, lines 3-5; 520, Fig. 19].

11. As to claim 6, this claim is rejected for the same reason as claim 1 above.

12. As to claim 7, this claim is rejected for the same reason as claims 1 and 6 above. In addition, Theimer as modified does not specifically teach notifying the user that remote exclusive control has been provided. However, Bennett disclosed processing notification messages from equipment to applications notifying the applications the status of the equipment [Bennett, paragraph 66, lines 1-11; paragraph 68, lines 12-15; Fig. 3B].

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13. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognize that the teaching of Bennett would include informing the user the availability of the device and the status of the user's (application's) request, in order for the user to perform/confirm its operations using the device's capabilities in a timely manner without delaying other users or taking up the capacity of the queue.

14. As to claim 13, Theimer as modified does not teach wherein the device is a multifunction device and wherein the device's capabilities comprise printing, facsimile, scanning and copying. However, Theimer disclosed various computing devices that includes printer, copier, Tab, Board, etc. [col. 5, line 54; col. 14, lines 22-23; col. 26, lines 27-31]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the computing devices of Theimer are not limited to the above examples and could include multifunction device with the capabilities of printing, facsimile, scanning and copying.

15. As to claim 14, this claim is rejected for the same reason as claim 5 above.

16. As to claims 16, 18-22, and 28-29, these are computer-executable process claims that correspond to the method claims 1, 3-7, 13-14. Therefore, they are rejected for the same reason as claims 1, 3-7, 13-14 above.

17. As to claims 31, 33-37, and 43-44, these are computer-readable medium claims that correspond to the method claims 1, 3-7, 13-14. Therefore, they are rejected for the same reason as claims 1, 3-7, 13-14 above.

18. As to claims 46, 48-52, and 58-59, these are apparatus claims that correspond to the method claims 1, 3-7, 13-14. Therefore, they are rejected for the same reason as claims 1, 3-7, 13-14 above.

19. Claims 2, 8-12, 15, 17, 23-27, 30, 32, 38-42, 45, 47, 53-57, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer, in view of Bennett as applied to claims 1, and 7 above, further in view of Davis et al (hereafter Davis) (U.S. Patent 5,633,932).

20. As to claim 2, Theimer as modified does not teach wherein providing remote exclusive control of the device's capabilities comprises temporarily deferring requests by users other than the user who has been provided remote exclusive control of the device's capabilities to perform operations utilizing the device's capabilities during a period in which the user maintains remote exclusive control of the device's capabilities. However, Davis teaches refraining from printing a document until an intended recipient is present [Davis, col. 5, lines 13-24].

21. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teachings of Theimer, Bennett, and Davis because Davis' teachings allow the user with current exclusive access to have priority and privacy access to the device's capabilities.

22. As to claims 8-9, these claims are rejected for the same reason as claim 7 above. In addition, Theimer as modified in view of Davis teach waiting a predetermined time for the user to confirm that remote exclusive control is to be provided and after the predetermined time has elapsed, removing the user from the reservation queue [Davis, col. 5, lines 25-33].

23. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teachings of Theimer, Bennett, and Davis because Davis' teachings optimize the teachings of Theimer and Bennett by properly manage memories used by the queued requests.

24. As to claims 10-12, these claims are rejected for the same reason as claims 1 and 8. In addition, Theimer as further modified does not teach moving the user to a new position within the reservation queue, wherein the new position is a last position within the reservation queue, and wherein the new position is based on the user's priority as compared with other user's in the reservation queue.

25. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to lower the request's priority (given it the lowest priority) or resorting the request in the queue base on its priority.

26. As to claim 15, this claim is rejected for the same reason as claim 2. In addition, Theimer as modified in view of Davis teach in a case where the user is provided with remote exclusive control of the device, further comprising the steps of:

obtaining identification information of the user [Theimer, col. 27, lines 3-7; 520, Fig. 19; Davis, col. 5, lines 35-38;]; and

based on the obtained identification information, automatically manipulating print jobs within a print queue so as to print out print jobs pending in the print queue for the user during a period in which the user maintains remote exclusive control of the device, while temporarily deferring other print jobs pending in the print queue [Davis, col. 6, lines 41-48; 350, 355, 360, Fig. 3].

27. As to claims 17, 23-27, and 30, these are computer-executable process claims that correspond to the method claims 2, 8-12, 15. Therefore, they are rejected for the same reason as claims 2, 8-12, 15 above.

28. As to claims 32, 38-42, and 45, these are computer-readable medium claims that correspond to the method claims 2, 8-12, 15. Therefore, they are rejected for the same reason as claims 2, 8-12, 15 above.

29. As to claims 47, 53-57, and 60, these are apparatus claims that correspond to the method claims 2, 8-12, 15. Therefore, they are rejected for the same reason as claims 2, 8-12, 15 above.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

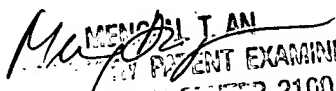
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2126


MENG-AI AN
PATENT EXAMINER
EBC CENTER 2100